



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT

Application Number: 2306572
Applicant Name: John Hunt
Address of Proposal: 421 Ward St

SUMMARY OF PROPOSED ACTION

Master Use Permit to establish use and construct a three (3) unit townhouse structure in an Environmentally Critical Area (40% Steep Slope).

The following approval is required:

SEPA - Environmental Determination (Seattle Municipal Code Chapter 25.05)

SEPA DETERMINATION: ☐ Exempt ☒ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading, or demolition, or another agency with jurisdiction.

BACKGROUND DATA

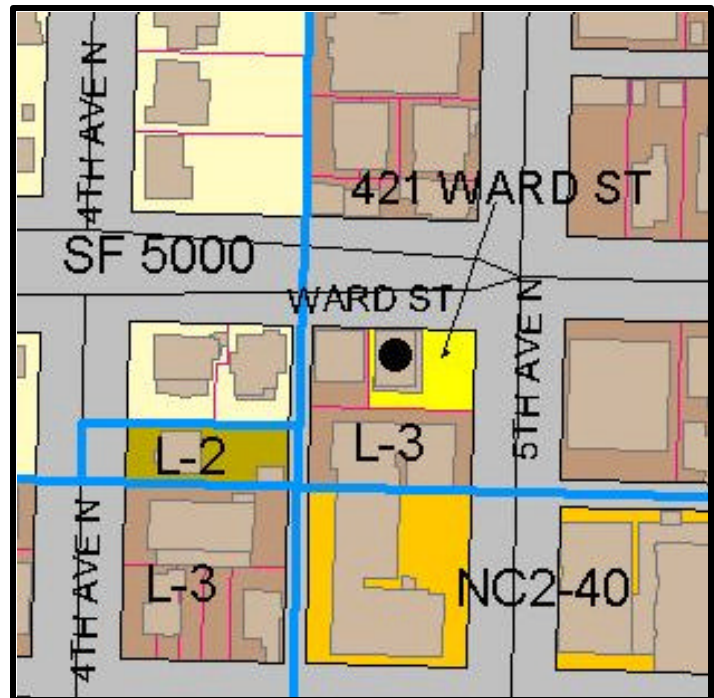
Site Description

The approximately 4,710 square foot rectangular proposal site is located in a Multi-Family Residential Lowrise 3 (L3) zone in between 4th and 5th Avenues NE, just south of Ward St. The proposal site has approximately seventy-eight and one half (78.5') lineal feet of street frontage on Ward St and sixty-feet of frontage on 5th Ave N are both paved streets with curbs, gutters, planting strips and sidewalks. The site has no abutting alley; vehicle access will be from the abutting street system. The site is vegetated

with brush, grass, one (1) Star Magnolia tree and (6) Poplar Cherry trees near the perimeter (southern) of the site. The site contains 40% Steep Slope Environmentally Critical Areas (ECAs) as determined by DPD after review of the required topographic survey.

Area Development

Zoning in the vicinity is Multi-Family Residential Lowrise 2 and 3 to the north, east and south west with single-family (SF 5000) zoning to the west and northwest. To the south, there is a Neighborhood Commercial Two zone (NC2-40). Development in the vicinity includes a mix of single and multifamily residences with some small scale commercial development to the south.



Proposal Description

The applicant proposes to construct a three unit, 3-story townhouse structure with basements on the lot, which is currently developed with a single family residence that is to be demolished. There is no existing vehicle access or parking for the existing home. Vehicle access for the new development is proposed off of 5th Ave N along the southern portion of the site. Parking will be provided beneath each unit, each unit is proposed to have two (2) parking spaces for a total of six (6) on site parking spaces.

Public Comments

The public comment period for the proposed project ended on February 11th, 2003. No public comment letters were received during the public comment period.

ANALYSIS - SEPA

The proposal site is located in a 40% Steep Slope Environmentally Critical Area and pursuant to Seattle Municipal Code 25.05.908-C1 the proposed construction is not exempt from SEPA review. The proposal exceeds the exemptible number and type of units in the 40% Steep Slope environmentally critical area. SMC 25.05.908-C1 allows for one (1) single family dwelling unit to be constructed which does not exceed nine (9,000) thousand square feet of development coverage; in this case multifamily units are proposed and thus not exempt from SEPA. The proposal is well below the allowable square foot coverage, but the unit count and type of development proposed is beyond the threshold allowed for categorical exemption from SEPA requirements. However, SMC 25.05.908 provides that the scope of environmental review of projects within critical areas shall be limited to: 1) documenting whether the

proposal is consistent with the City's Environmentally Critical Areas (ECA) regulations in SMC 25.09; and 2) evaluating potentially significant impacts on the critical area resources not adequately addressed in the ECA regulations.

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the annotated environmental checklist (prepared January 5th, 2004), and supplemental information in the project file submitted by the applicant. The information in the checklist, the supplemental information, and the experience of the lead agency with the review of similar projects forms the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced, may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, *"Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation,"* subject to some limitations. Under such limitations or circumstances (SMC 25.05.665 D) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate. Some short-term adverse impacts are anticipated from the proposal.

The SEPA Environmentally Critical Areas Policy (SMC 25.05.908) provides a listing of categorically exempt activities in certain environmentally critical areas as mapped and regulated in SMC 25.09, Regulations for Environmentally Critical Areas. These ECAs are subject to additional environmental review to determine impacts and, if warranted, to provide further mitigation beyond the development standards required by all City codes. Thus, a more detailed discussion of some of the impacts is appropriate.

Short - Term Impacts

The following temporary impacts are expected: 1) temporary soil erosion; and 2) loss of soil stability. These impacts are not considered significant because they are temporary and/or minor in scope (SMC 25.05.794).

City codes and/or ordinances apply to the proposal and will provide mitigation for some of the identified impacts. Specifically these are: 1) Building Code (construction measures in general); 2) Stormwater, Grading, and Drainage Control Code (temporary soil erosion); and 3) Geo-technical review (soils engineering). Compliance with these applicable codes and ordinances will be adequate to achieve sufficient current and long term mitigation; imposing specific conditions is not necessary for these impacts. However, the proposal site is located in a Steep Potential Slide Environmentally Critical Area.

Earth

The ECA Ordinance and Directors Rule (DR) 3-93 requires submission of a soils report to evaluate the site conditions and provide recommendations for safe construction in areas with steep slopes, liquefaction zones, and/or a history of unstable soil conditions. A geo-technical evaluation was prepared

on January 12th, 2004, which found that it is “geo-technically feasible to develop this property essentially as planned. The proposed new multi-story town home structure may be supported on conventional spread footing foundations bearing on either the undisturbed or carefully and thoroughly redensified in place native soil or, alternatively, on at least two feet of compacted granular structural fill placed over properly redensified in-place native soil. A concrete slab-on-grade floor is appropriate for the lower level of this structure, but it must also be supported on the thoroughly redensified subgrade or a compacted fill pad” subject to certain conditions.

The submitted geo-technical (Creative Engineering Options Inc.) report details further the specific requirements for proper construction of the proposed grading, foundation, retaining wall, and structure. It is critical that the construction proponents do not rely on this brief summarization of the design recommendations to make any design or construction decision. It is recommended by the report that the owner, and each member of the design team, read the said report in its entirety before making any design or construction decision. The said geo-technical report is located in the project file.

Long - Term Impacts

There are no significant long-term impacts to the ECA resulting from the proposed subdivision and construction. No conditioning is warranted per SEPA policies.

Summary

City codes and ordinances adequately regulate and provide extensive conditioning authority to mitigate the potential impacts to earth as identified in the foregoing analysis. There are no significant long-term impacts anticipated to affect the ECA.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

CONDITIONS – SEPA

None.

Signature: (signature on file) Date: May 27, 2004

Lucas J. DeHerrera, Land Use Planner
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Land Use Services

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